

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SANTA ROSA CITY SCHOOLS,

v.

STUDENT.

OAH Case No. 2014040994

ORDER FOLLOWING STATUS
CONFERENCE, SETTING FURTHER
STATUS CONFERENCE AND DUE
PROCESS HEARING

On September 19, 2014, a telephonic status conference was held before Presiding Administrative Law Judge Bob N. Varma, Office of Administrative Hearings. Carl D. Corbin, Attorney at Law, appeared on behalf of the Santa Rosa City Schools. Mother, authorized representative of Student, appeared on behalf of Student. The status conference was recorded.

Based on discussion of the parties, the ALJ issues the following order:

1. Reassignment of Matter. The hearing in this matter commenced on September 9, 2014, before ALJ Adeniyi Ayoade. Following the first day of hearing, Parent left a voicemail on OAH's settlement line. That message was inadvertently communicated to ALJ Ayoade. Due to the content of that ex parte communication, OAH has reassigned this matter to ALJ Charles Marson. ALJ Marson shall commence the hearing anew, without reliance upon the record created by ALJ Ayoade. The record of the hearing on September 9, 2014, including but not limited to all testimony, and exhibits offered or admitted is stricken.

2. Dates, Times, and Location. The following dates and times were set:

Further Status Conference: October 8, 2014, at 8:30 AM¹

Due Process Hearing: October 15 – 16, 2014, at 9:30 AM,
Continuing day to day, Monday through
Thursday, at the discretion of the ALJ

The hearing shall be held at the offices of Santa Rosa, located at 217 Ridgeway Avenue, Santa Rosa, CA 95401. The parties may file supplemental prehearing conference

¹ The status conference shall be conducted by the Presiding ALJ, unless otherwise ordered. The purpose of the status conference is to confirm the hearing dates set in this Order.

(PHC) statements by September 29, 2014. Any response to the supplemental PHC statement shall be filed by October 3, 2014. If a party is seeking a further PHC, the filings shall so indicate. If OAH conducts a further PHC it shall be convened on October 10, 2014, unless otherwise ordered.

3. Special Needs and Accommodations. The parties shall continue to comply with any orders previously made concerning special needs and accommodations. The parties were instructed that any party or witness requiring an accommodation should contact OAH's Americans with Disabilities Act Coordinator, Phoenix Vigil. OAH shall maintain the privacy of all medical information as required by all applicable laws.

4. Prior Orders. All other prior orders with respect to issues, witnesses and the presentation of the case, remain in effect.

5. Settlement. The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately should they reach a settlement or otherwise resolve the dispute before the scheduled hearing. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880.

IF A FULL AND FINAL WRITTEN SETTLEMENT AGREEMENT IS REACHED AFTER 5:00 P.M. THE DAY PRIOR TO HEARING, THE PARTIES SHALL LEAVE A VOICEMAIL MESSAGE REGARDING THE SETTLEMENT AT (916) 274-6035. THE PARTIES SHOULD ALSO LEAVE CONTACT INFORMATION SUCH AS CELLULAR PHONE NUMBERS OF EACH PARTY OR COUNSEL FOR EACH PARTY. THE PARTIES SHOULD SIMULTANEOUSLY FAX THE SIGNATURE PAGE OF THE SIGNED AGREEMENT OR A LETTER WITHDRAWING THE CASE TO THE OAH AT THE FAXINATION LINE at 916-376-6319.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages the evening prior to the hearing or the morning of the hearing.

IT IS SO ORDERED.

DATE: September 22, 2014

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings